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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/640,785	08/18/2000	William Bromley	1957.0010000	7346
20306	7590	05/18/2005	EXAMINER	
MCDONNELL BOEHNEN HULBERT & BERGHOFF LLP 300 S. WACKER DRIVE 32ND FLOOR CHICAGO, IL 60606			BROADHEAD, BRIAN J	
			ART UNIT	PAPER NUMBER
			3661	

DATE MAILED: 05/18/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/640,785

Applicant(s)

BROMLEY ET AL.

Examiner

Brian J. Broadhead

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 10 March 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-4, 6, 9, 10 and 12-43 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-4, 6, 9, 10 and 12-43 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 07 August 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 3-10-05, 3-03-05.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

Information Disclosure Statement

The information disclosure statement filed 3-03-05 fails to comply with the provisions of 37 CFR 1.97, 1.98 and MPEP § 609 because a copies of the pending patent applications were not provided. It has been placed in the application file, but the information referred to therein has not been considered as to the merits. Applicant is advised that the date of any re-submission of any item of information contained in this information disclosure statement or the submission of any missing element(s) will be the date of submission for purposes of determining compliance with the requirements based on the time of filing the statement, including all certification requirements for statements under 37 CFR 1.97(e). See MPEP § 609 ¶ C(1).

Claim Objections

1. Claim 25 objected to because of the following informalities: On line 2, "on" should be --one--. Appropriate correction is required.

Claim Rejections - 35 USC § 112

1. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.
2. Claims 1, 2, 3, and 13-41 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.
3. Claim 1 recites the limitation "the application" in line 20. There is insufficient antecedent basis for this limitation in the claim.

4. Claim 13 recites the limitation "the GUI" in line 2. There is insufficient antecedent basis for this limitation in the claim. There are several claims that use "GUI" in place of graphic user interface. In the amendment "graphic user interface(GUI)" was replaced with "graphic user interface" in claim 1. It is suggested that the "(GUI)" after graphic user interface be added back into claim 1.
5. Claim 17 recites the limitation "the user" in line 7. There is insufficient antecedent basis for this limitation in the claim.
6. Claim 16 recites the limitation "the user" in line 7. There is insufficient antecedent basis for this limitation in the claim.
7. Claim 19 recites the limitation "the at least one vehicle" in line 2. There is insufficient antecedent basis for this limitation in the claim.
8. Claim 20 recites the limitation "the information" in line 1. There is insufficient antecedent basis for this limitation in the claim.
9. Claim 20 recites the limitation "at least one vehicle" in line 2. There is insufficient antecedent basis for this limitation in the claim.
10. Claim 21 recites the limitation "the at least one vehicle" in line 2. There is insufficient antecedent basis for this limitation in the claim.
11. Claim 22 recites the limitation "the at least one vehicle" in line 2. There is insufficient antecedent basis for this limitation in the claim.
12. Claim 23 recites the limitation "the at least one vehicle" in line 2. There is insufficient antecedent basis for this limitation in the claim.

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13. Claim 24 recites the limitation "the user" in line 2. There is insufficient antecedent basis for this limitation in the claim.

14. Claim 24 recites the limitation "the at least one vehicle" in line 2. There is insufficient antecedent basis for this limitation in the claim.

15. Claim 25 recites the limitation "the vehicles" in line 2. There is insufficient antecedent basis for this limitation in the claim.

16. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

17. Claims 4, 10, and 27 through 40 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention. It was not disclosed in the originally filed specification that the first network was used the Internet. The second network was disclosed as using the Internet. There was no disclosure in the original specification as to the placement and ownership of the different parts of the system as recited in the new claims.

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the

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invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1, 2, 3, 6, 9, 12, 13, 14, 15, 16, 17, 19 through 42 are rejected under 35 U.S.C. 103(a) as being unpatentable over Doyle, 5815071, in view of David, 2003/0158656.

3. As per claims 1, 6, 9, 12, 13, 14, 15, 16, and 17, 24, 25, 26, 41, 42, Doyle discloses an onboard unit coupled to the data bus of the one or more vehicles wherein the onboard unit is operable to collect data for any of the applications an operable to manage interfacing between the data bus and the onboard unit(38); an application server having applications for carrying out any of vehicle diagnostics, vehicle monitoring, vehicle configuration, and vehicle reprogramming, wherein the application server accesses the repository database to obtain information about the one or more vehicles to carry out the applications, and which provides the user with a graphical user interface in order to send and receive data from each of the one or more vehicles(18); a repository database, accessible via the application server, which stored information related to the one or more vehicles on lines 55-56, on column 5; an onboard unit server, couple to the application server, which contains means to convert data between a format understandable by the user, and a format understandable by the onboard unit coupled to the data bus of the one or more vehicles lines 20-35, on column 6; a communication means, couple to the onboard unit server, for handling communications between the onboard unit server and the onboard units on the one or more vehicles (22); and the system allows fleet logistic by remote parameter changes, health tracking, and maintenance needs on lines 37-62, on column 2; receiving an acknowledgement

from the onboard unit on lines 62-64, on column 3; the onboard unit comprises an application module(60), data interface module(40); and command module(58); using satellite communications in figure 1. Doyle does not disclose using a GUI coupled to the application server via a second network capable of selecting parameters, a CPU, and user I/O channel ports for receiving communication from the user. David teaches of using a personal computer with a web browser which has a GUI connected to the application server via a second network in paragraph 9, and . Personal computers inherently have a CPU and I/O channel ports for receiving communication from the user. It would have been obvious to one of ordinary skill in the art at the time the invention was made to use the web browser and second network of David in the invention of Doyle because such modification would provide for a way to connect the multiple control stations and a plurality of user vehicles distributed over a wide geographic area as disclosed by Doyle on lines 35-38, on column 3. Doyle discloses that there may be many central control stations for different users but doesn't account for how to connect them all. Using the web would provide an inexpensive common connection that was well known in the art.

4. As per claim 2, Doyle discloses the vehicles include heavy trucks in figure 1.

5. As per claim 3, it is inherent that the format understandable by the onboard unit is binary. These are digital electronic systems and binary is the system used for digital computing.

6. As per claims 19, 20, 21, 22, and 23, Doyle discloses the information indicative of the one or more vehicles includes a vehicle identification parameter and at least one

parameter that is specific to the application and not specific to the applications on lines 32-66, on column 5; the data sent to each of the one or more vehicles may contain commands for collecting data and setting a parameter of the vehicle on lines 39-55, on column 2.

7. As per claims 27 through 40, Doyle and David disclose the limitations as set forth above. They do not disclose which parts of the system are provided by an application service provider or placement of the parts. It would have been obvious to one of ordinary skill in the art at the time the invention was made to use any combination of ownership and placement of the system parts because it is a design choice. Factors like costs, control, and security would dictate who owns what and where is it kept.

8. Claims 4 and 10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Doyle, 5815071, in view of David, 2003/0158656, as applied to claim 1 and 9 above, and further in view of Apsell et al., 6292724.

9. Doyle and David disclose all the limitations as set forth above. Doyle and David do not disclose at least a first portion of the communication means includes the global internet. Apsell et al. teaches of using the internet in the communication means on lines 58, on column 2. It would have been obvious to one of ordinary skill in the art at the time the invention was made to use the internet in the communication means because the internet provides an inexpensive communication means.

10. Claim 18 is rejected under 35 U.S.C. 103(a) as being unpatentable over Doyle, 5815071, in view of David, 2003/0158656, as applied to claim 1 above, and further in view of Lang et al., 6295492.

11. Doyle and David disclose all the limitations as set forth above. Doyle and David do not disclose using a firewall that requires appropriate credentials to access the application server and repository database. Lang et al. teach of using appropriate credentials to access the information on the server and database on lines 42-68, on column 4. It would have been obvious to one of ordinary skill in the art at the time the invention was known use the credential system of Lang et al. in the invention of Doyle and Hapka because only authorized users should be able to access the system as stated on lines 37-42, on column 2, of Lang et al.

Response to Arguments

1. Applicant's arguments with respect to claims 1, 2, 3, 4, 6, 9, 10, and 12-43 have been considered but are moot in view of the new ground(s) of rejection. The additional cited reference discloses the second network.

Conclusion

2. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any

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extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Brian J. Broadhead whose telephone number is 571-272-6957. The examiner can normally be reached on Monday through Thursday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Thomas Black can be reached on 571-272-6956. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 872-9306 for regular communications and (703) 872-9306 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-1113.

BJB

BJB

May 16, 2005

Thomas G. Black
THOMAS G. BLACK
SUPERVISORY PATENT EXAMINER
GROUP 7600